

**BMV “Cheat Sheet” for
Restricted Driver’s License Because of Hardship under IC 9-24-15**

1) **Ineligible**

- a) If current suspension is for:
 - i) Failure to file proof of financial responsibility following an accident *unless* individual shows by preponderance of evidence that the failure was inadvertent (9-24-15-1).
 - ii) Failure to satisfy a judgment after motor vehicle accident as required by 9-25 (9-24-15-1(a)(1)).
 - iii) Physical, mental or emotional instability (9-24-15-1(a)(2)(A)).
 - iv) Operating a vehicle causing serious bodily injury or death after knowingly failing to take prescribed medicine, the taking of which is a condition of the issuance of operator’s license (9-24-15-1(a)(2)(B)).
 - v) Involuntary manslaughter or reckless homicide resulting from operating a vehicle (9-24-15-1(a)(2)(C)).
 - vi) Criminal mischief while using a motor vehicle under 9-30-13-3 (9-24-15-9(a)).
 - vii) Violation of 9-30-5 through 9-30-9, unless violation is under 9-30-6-9(c) and individual meets requirements of 9-24-15-6.5 or 9-24-15-9(b) (see below).
- b) If individual has had a prior license suspension (9-24-15-1(a)(3)).
- c) If individual failed to use timely administrative appeal procedures (9-24-15-1(a)(4))
- d) If individual has/had a CDL that was disqualified (after 6/30/05) under 49 CFR 383.51 or other applicable state statutes, including convictions for alcohol or other controlled substances (9-24-15-1(a)(5)).
- e) If individual is a habitual traffic violator (9-30-10-13(c)). However, individual may be given a probationary license under 9-30-10-9.

2) Court **may grant** restricted driver’s license if the individual was convicted of the any of the following:

- a) Miscellaneous offense under motor vehicle law (9-24-15-6)
 - i) The individual’s license has been suspended under motor vehicle law (9-24-15-2);
 - ii) Because of the nature of the individual’s employment, the suspension would work an undue hardship and burden upon the individual’s family or dependents (9-24-15-2);
 - iii) The individual properly files a petition under IC 9-24-15-2 through 5; **and**
 - iv) The individual is not ineligible for any of the reasons set forth above.
- b) Chemical test failure (9-24-15-9)
 - i) The individual’s driving privileges are suspended under 9-30-6-9(c);
 - ii) The individual does not have a prior OVWI conviction;
 - iii) The individual properly files a petition under IC 9-24-15-2 through 5; **and**
 - iv) The individual is not ineligible for any of the reasons set forth above.
- c) Child Support/Fuel Theft (9-24-15-6.7)
 - i) The individual’s driving privileges are suspended under 9-25-6-19 or 20 for delinquent child support, or 9-25-6-21 for fuel theft conviction;
 - ii) The individual is able to prove to the satisfaction of the court that public transportation is unavailable for travel:

- (1) to and from the individual's regular place of employment;
 - (2) In the course of the individual's regular employment;
 - (3) To and from the individual's place of worship; or
 - (4) To participate in parenting time with the individual's children, consistent with a court order granting parenting time;
 - iii) The individual properly files a petition under IC 9-24-15-2 through 5; **and**
 - iv) The individual is not ineligible for any of the reasons set forth above.
- 3) Court **shall grant** a restricted driver's license if: (9-24-15-6.5)
- a) The individual's driving privileges were suspended under 9-30-6-9(c) (chemical test failure) or 35-48-4-15 (offenses relating to controlled substances);
 - b) The individual was not convicted of a Class D felony under 9-30-5-4 before July 1, 1996, or a Class C or D felony after June 30, 1996;
 - c) The individual was not convicted of a Class C felony under 9-30-5 before July 1, 1996, or a Class B or C felony under 9-30-5 after June 30, 1996;
 - d) The driving that was the basis of the suspension was not in connection with the person's work;
 - e) The individual has not had a prior OVWI conviction;
 - f) The individual is participating in a rehabilitation program certified by either the division of mental health and addiction or the Indiana judicial center as a condition of the person's probation;
 - g) The individual properly files a petition under IC 9-24-15-2 through 5; **and**
 - h) The individual is not ineligible for any of the reasons set forth above.
- 4) **Further requirements on restricted license issuance**
- a) When a court grants restricted driving privileges under 9-24-15, the part of the court's order granting probationary driving privileges shall not take effect until the person's driving privileges have been suspended for at least 30 days under 9-30-6-9 (9-24-15-6.5).
 - b) In a county that provides for installation of an ignition interlock device under 9-30-8, installation is required as a condition of the probationary driving privileges for the duration of the restricted license (9-24-15.6.5).
 - c) Restricted license must specify the restrictions regarding time, territory and route of essential for performance of individual's employment duties (9-24-15-7).